

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH MICHAEL ANDREWS,

Petitioner,

v.

PATRICK COVELLO, Warden,

Respondent.

Case No. 24-cv-00587 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at the Mule Creek State Prison in Ione, which is in Amador County, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See* Dkt. No. 1. Petitioner challenges his state conviction out of Los Angeles County. *Id.* at 1.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Here, Petitioner is currently confined in Amador County, which lies within the venue of the United States District Court for the Eastern District of California, *see* 28 U.S.C. § 84(b), but was convicted in Los Angeles County, which lies within the venue of the Western Division for the Central District of

1 California, *id.* § 84(c)(2). Petitions challenging a conviction or sentence are preferably
2 heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F.
3 Supp. 265, 266 (N.D. Cal. 1968). Therefore, venue properly lies in the Central District and
4 not in this one. *See* 28 U.S.C. § 1391(b).

5 Accordingly, this case is **TRANSFERRED** to the United States District Court for
6 the Central District of California, Western Division. *See* 28 U.S.C. § 1406(a). The Clerk
7 shall terminate all pending motions and transfer the entire file to the Western Division for
8 the Central District of California.

9 **IT IS SO ORDERED.**

10 DATED: February 1, 2024



NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California